



U.S. Department  
of  
Transportation  
**Maritime  
Administration**

## **Voluntary Intermodal Sealift Agreement (VISA)** **Application Worksheet**

- (1) Name of Applicant and address of principal executive office

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- (2) Ownership of Applicant: (Check one)

( ) Applicant is a Person who, is a Citizen of the United States by birth, naturalization, or as otherwise authorized by law or, if other than an individual, meets the requirements of Section 2, Shipping Act, 1916, as amended (46 App. U.S.C. 802). For compliance with Section 2 citizenship requirements, the requirements set forth on Exhibit A must be met by the Applicant.

( ) Applicant meets the requirements of 46 U.S.C. 12102 for purposes of documenting vessels under the U.S. flag. For compliance with 46 U.S.C. 12102, the requirements set forth on Exhibit B must be met by the Applicant.

Attach notarized affidavit or other documentation establishing your company's citizenship status. Use Either Exhibit A or Exhibit B.

- (3) Do you control the vessel(s) through ownership or as the bareboat charterer? ( ) Yes ( ) No If you are the bareboat charterer, please provide a bareboat charter agreement between you and the owner of the vessel(s).

- (4) Are you a subsidiary of a foreign owned company or do you own foreign subsidiaries? ( )Yes ( )No

If yes, on a separate sheet of paper, please describe the ownership arrangements, with particular detail to how these arrangements affect the provision of assured access to vessels and other intermodal assets to the U.S. Government.

- (5) Please provide the name and type of vessels to be committed to the VISA Program and capacities as designated on the VISA Capacity Calculation Spreadsheet. The VISA Capacity Calculation Spreadsheet may be copied for additional entries.

- (6) Registry of Vessels (U.S.-flag or name of foreign-flag registry), provide Official Coast Guard Registration Number for U.S.-registered equipment.

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Use additional paper, if necessary, and attach copies of USCG Certificate of Documentation forms to demonstrate ownership.

- (7) Are any of these vessels capable of ocean service, including transoceanic voyages? ( ) Yes ( ) No

If yes, please describe. Also, clarify if vessels are ABS or Lloyds classed and USCG licensed for certain trades (inland, coastwise, etc.).

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Use additional paper, if necessary, and provide copies of Loadline documents to validate.

- (8) Identify the trades that you are currently engaged in (U.S. Gulf Coast, International, Great Lakes, U.S. Inland, etc.).

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Use additional paper, if necessary.

- (9) Do you currently carry Department of Defense (DoD) cargo?  
( ) Yes ( ) No

If yes, please provide answers to the following, attach additional paper if necessary: (Please provide general information only.)

Commodities carried and destination

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How often are these commodities transported and on what basis?

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How often do you bid on DoD cargoes?

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(10) Do you bid on other U.S. Government impelled cargoes (USDA, AID, etc.)?    (   ) Yes    (   ) No

(11) Please name any affiliate companies to the major VISA participant:

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\_\_\_\_\_  
Name and Title of Company Official  
(Print or type)

\_\_\_\_\_  
Signature of Company Official

\_\_\_\_\_  
Date

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Point of Contact if other than company official:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

## 46 CFR 221.3

(c) *Citizen of the United States* means a Person (including receivers, trustees and successors or assignees of such Persons as provided in 46 App. U.S.C. 803), including any Person (stockholder, partner or other entity) who has a Controlling Interest in such Person, any Person whose stock or equity is being relied upon to establish the requisite U.S. citizen ownership, and any parent corporation, partnership or other entity of such Person at all tiers of ownership, who, in both form and substance at each tier of ownership, satisfies the following requirements--

(1) An individual who is a Citizen of the United States, by birth, naturalization or as otherwise authorized by law;

(2) A corporation organized under the laws of the United States or of a State, the Controlling Interest of which is owned by and vested in Citizens of the United States and whose president or chief executive officer, chairman of the board of directors and all officers authorized to act in the absence or disability of such persons are Citizens of the United States, and no more of its directors than a minority of the number necessary to constitute a quorum are Noncitizens;

(3) A partnership organized under the laws of the United States or of a State, if all general partners are Citizens of the United States and a Controlling Interest in the partnership is owned by Citizens of the United States;

(4) An association organized under the laws of the United States or of a State, whose president or other chief executive officer, chairman of the board of directors (or equivalent committee or body) and all officers authorized to act in their absence or disability are Citizens of the United States, no more than a minority of the number of its directors, or equivalent, necessary to constitute a quorum are Noncitizens, and a Controlling Interest in which is vested in Citizens of the United States;

(5) A joint venture, if it is not determined by the Maritime Administrator to be in effect an association or a partnership, which is organized under the laws of the United States or of a State, if each coventurer is a Citizen of the United States. If a joint venture is in effect an association, it will be treated as is an association under paragraph(c)(4) of this section, or, if it is in effect a partnership, will be treated as is a partnership under paragraph (c)(3) of this section; or

(6) A Trust described in paragraph (t)(1) of this section.

(d) *Controlling interest* owned by and vested in Citizens of the United States means that--

(1) In the case of a corporation:

(i) Title to a majority of the stock thereof is owned by and vested in Citizens of the United States, free from any trust or fiduciary obligation in favor of any Noncitizen;

(ii) The majority of the voting power in such corporation is vested in Citizens of the United States;

(iii) Through no contract or understanding is it so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any Noncitizen; and

(iv) By no other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any Noncitizen;

(2) In the case of a partnership, all general partners are Citizens of the United States and ownership and control of a majority of the partnership interest, free and clear of any trust or fiduciary obligation in favor of any Noncitizen, is vested in a partner or partners each of whom is a Citizen of the United States;

(3) In the case of an association, a majority of the voting power is vested in Citizens of the United States, free and clear of any trust or fiduciary obligation in favor of any Noncitizen; and

(4) In the case of a joint venture, a majority of the equity is owned by and vested in Citizens of the United States free and clear of any trust or fiduciary obligation in favor of any Noncitizen; but

(5) In the case of a corporation, partnership, association or joint venture owning a vessel which is operated in the coastwise trade, the amount of interest and voting power required to be owned by and vested in Citizens of the United States shall be not less than 75 percent as required by 46 App. U.S.C. 802.

**46 U.S.C. 12102 (1998). VESSELS ELIGIBLE FOR DOCUMENTATION.**

(a) A vessel of at least 5 net tons that is not registered under the laws of a foreign country is eligible for documentation if the vessel is owned by--

(1) an individual who is a citizen of the United States;<sup>1</sup>

(2) an association, trust, joint venture, or other entity--

(A) all of whose members are citizens of the United States; and

(B) that is capable of holding title to a vessel under the laws of the United States or of a State;

(3) a partnership whose general partners are citizens of the United States, and the controlling interest in the partnership is owned by citizens of the United States;

(4) a corporation established under the laws of the United States or of a State, whose chief executive officer, by whatever title, and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;

(5) the United States Government; or

(6) the government of a State.

(b) A vessel is eligible for documentation only if it has been measured under part J of this subtitle. However, the Secretary of Transportation may issue a temporary certificate of documentation for a vessel before it is measured.

(c)(1) A vessel owned by a corporation is not eligible for a fishery endorsement under section 12108 of this title unless the controlling interest (as measured by a majority of voting shares in that corporation) is owned by individuals who are citizens of the United States. However, if the corporation is owned in whole or in part by other United States corporations, the controlling interest in those corporations, in the aggregate, must be owned by individuals who are citizens of the United States.

(2) The Secretary shall apply the restrictions on controlling interest in section 2(b) of the Shipping Act, 1916 (46 App. U.S.C. 802(b)) when applying this subsection.

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<sup>1</sup>Note that 46 U.S.C. 12106(d)(2) provides: "(2) For Purpose of ... section 12102(a) of this title, a vessel meeting the criteria of this subsection shall be considered to be owned exclusively by citizens of the United States." See also 46 U.S.C. 12106(e)(4) providing: "(4) For purposes of section 12102(a) of this title, a vessel meeting the criteria of this subsection is deemed to be owned exclusively by citizens of the United States."